

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIH

WRIT PETITION NO. 32081/1995

Between:

Smt. Ameena Bee,
W/o. Abbas Khan,
Residing at No. 10/1,
Risaldar Park Street,
Seshadripuram,
Bangalore-560 020.

..Petitioner

(Sri T.V.Vijay Ragavan, Advocate)

And:

1. The Administrator,
Bangalore City Corpora-
tion, Bangalore.

2. The Asst. Executive
Engineer, Bangalore
City Corporation, Sessa-
dripuram Division,
Seshadripuram,
Bangalore-560 020.

3. Smt. Hafeeza Begum,
W/o. Syed Abdul Lathief,
Residing at Naliongalli,
Dilshed Manzil,
Hoskote Town, Hoskote
Taluk, Bangalore Dist.

..Respondents

(Sri Ashok Haramhalli, Sri B.A. Ramakrishna
& Sri R. Gunashkhar for R.1 and R.2.
Sri G.V. Dayananand for R.3)

Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the notice dated 16.8.1995 issued by R.2 vide Annexure-H.

This petition coming up for final disposal on this day, the Court made the following:

ORDER

The petitioner has challenged the order passed by the Corporation U/s. 321(1), (2) and (3) of the Karnataka Corporations Act (for short the Act). The complaint of the petitioner is that he received the provisional order passed under Section 321(1) and (2) of the Act on 19.8.1995 and immediately thereafter the petitioner has filed his objections on 24.8.1995. But the Corporation has passed the order under Section 321(3) of the Act on 18.8.1995. The above said facts show that the Corporation has not considered the objections filed by the petitioner within the time from the date of receipt of the provisional order. Therefore, in my opinion, the final order passed under Section 321(3) of the Act is opposed to the principles of natural justice.

2. In the result, I pass the following

order:

Writ petition is allowed. The final order passed under Section 321(3) of the Act produced as Annexure-H is quashed.

The Corporation is directed to consider the objections filed by the [✓]petitioner which is produced as Annexure-G and pass appropriate orders after notice to the petitioner.

Sd/-
JUDGE

G/150698

